

Decision No. R23-0580-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0056CP

IN THE MATTER OF THE APPLICATION OF TOUR ESTES PARK LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
SHORTENING RESPONSE TIME TO MOTION TO
WITHDRAW APPLICATION**

Mailed Date: August 30, 2023

I. STATEMENT

A. Background

1. On February 15, 2023, Tour Estes Park LLC (Tour Estes Park) filed the amended application described in the caption above (Application).

2. On February 21, 2023, the Commission issued public notice of the authority sought by Tour Estes Park in the Application as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand sightseeing service between all points within a 20-mile radius of the intersection of State Highway 7 and Fish Creek Way in the Town of Estes Park, Larimer County, Colorado. Applicant has not filed its testimony and exhibits with its application, and is seeking a Commission decision within 250 days.

3. On March 23, 2023, Green Jeep Tours, LLC (Green Jeep Tours) filed a Petition for Leave to Intervene (Petition) and Wild Side 4 X 4 Tours LLC (Wild Side) filed a Notice of

Intervention as of Right or, in the Alternative, Motion to Intervene (Notice) (Green Jeep Tours and Wild Side shall be referred to as Intervenors). In the Petition, Green Jeep Tours stated that it had been granted Certificate of Public Convenience and Necessity (CPCN) in Decision No. R23-0051, but that the CPCN had not yet issued because it had not completed “certification requirements at th[at] time.”¹ Green Jeep Tours further asserted that that authority, once granted, would conflict with the authority sought in the Application in this proceeding, thus providing Green Jeep Tours with standing to intervene in this proceeding.

4. On March 29, 2023, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge by minute entry. The proceeding was subsequently assigned to the undersigned ALJ.

5. On April 25, 2023, the Commission issued CPCN No. 55984, which authorizes Green Jeep Tours to offer, among other things, “[s]ightseeing service, on call and demand, between all points within the area comprised of [] the 20 mile radius of the intersection of Moraine and Elkhorn, Estes Park, Colorado.”

6. On August 17, 2023, the ALJ issued Decision No. R23-0550-I that granted the Petition, scheduled a hybrid hearing for September 21, 2023, and established a procedural schedule that included, among other things, deadlines of September 1 and 13, 2023 for Tour Estes Park and Intervenors, respectively, to file and serve witness lists and exhibits.

7. On August 18, 2023, the ALJ received a voicemail from Bruce Davies in which Mr. Davies stated that he wished to withdraw the Application. Mr. Davies is listed as the Manager of Tour Estes Park in the Application and signed the Application on behalf of Tour Estes Park.

¹ Petition at 2.

8. On August 21, 2023, Wild Side filed a Notice of Withdrawal of Intervention.

9. On August 23, 2023, Mr. Davies filed a letter requesting to withdraw the Application (Letter).

B. Response to Motion

10. The Letter shall be construed as a Motion to Withdraw Application (Motion). Pursuant to Commission Rule 1400(b), the deadline to file a response to the Motion is September 6, 2023.² However, given that Tour Estes Park must file and produce its witness list and exhibits by September 1, 2023, and the hearing is less than a month thereafter, an earlier response time is required. Accordingly, response time to the Motion will be shortened to September 1, 2023.³

II. ORDER

A. It Is Ordered That:

1. The Notice of Withdrawal of Intervention filed by Wild Side 4 X 4 Tours LLC on August 21, 2023 is acknowledged.

2. For the reasons stated above, the deadline to file a response to the Motion to Withdraw Application filed by Tour Estes Park, LLC on August 23, 2023, is shortened to September 1, 2023.

² 4 *Code of Colorado Regulations* (CCR) 723-1.

³ *See* Rule 1400(b), 4 CCR 723-1.

3. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director